

Customer No. 000027683 Attorney Docket No. 28122.89

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Murphy et al.

Serial No.: 09/864510

Filed: May 24, 2001

For:

VENTRICULAR RESTORATION

SHAPING APPARATUS AND METHOD OF USE Group Art Unit: 3738

Examiner: Unknown

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PRELIMINARY AMENDMENT

Commissioner For Patents Washington, DC 20231

Dear Sir:

Prior to the initial examination of the above-identified patent application, please amend the above-identified application as follows:

In the Claims:

Please delete claims 15-28 without prejudice.

Please add the following new claims 29 through 48 as follows:

- 29. The device of claim 1 having a non-circular shape.
- 30. The device of claim 29 wherein the shaper has a short and a long axis.
- 31. The device of claim 30 wherein the ratio of short to long axis is about 0.5.

5 4 h 3 h 32. The device of claim 1 wherein the shaper is ellipsoid in shape.

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